IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	§	Filed: November 24, 2003
Dettinger et al.	§	
	§	Group Art Unit: 2168
Serial No.: 10/720,960	§	
	§	Examiner: Mahesh H. Dwivedi
Confirmation No.: 5201	§	

For: DYNAMIC FUNCTIONAL MODULE AVAILABILITY

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to Examiner's Answer mailed on November 14, 2007. While Applicants' maintain each of the arguments submitted in Applicants' previously submitted Appeal Brief, Applicants make the following further arguments in light of the Examiner's Answer.

ARGUMENTS

Rejection of claims 10-12, 14-21, and 27-29 under 35 U.S.C. 103(a) over *Win* in view of *Pazandak*.

The Applicable Standard for Establishing a Prima Facie Case of Obviousness.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143.

Further, the Federal Circuit has held that even if all of the elements of a claimed invention are found in a combination of prior art references, analysis requires "consideration of two factors:

(1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and
(2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success." *PharmaStem Therapeutics, Inc. v. ViaCell, Inc.*, 491 F.3d 1342 (Fed. Cir. 2007)

In this regard the Federal Circuit points out that in *KSR International Co. vs. Teleflex, Inc.*, 127 S. Ct. 1727 (2007) the Supreme Court "acknowledged the importance of identifying 'a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does' in an

obviousness determination." *Takeda Chemical Industries, Ltd. v. Alphaphram Pty, Ltd.*, 492 F.3d 1350, 1356 (Fed. Cir. 2007).

In this case, the references, alone or in combination, fail to teach at least the first and third limitations.

The Combination of Win and Pazandak Does Not Disclose All the Claim Elements.

Applicants respectfully submit that *Win* does not disclose assigning metadata requirements to functional modules, wherein the assigned metadata requirements specify conditions required for successful execution of the functional module, as claimed in claims 10, 20, and the dependents therefrom. Examiner suggests that the 'roles' as described in *Win* are analogous to the metadata requirements of functional modules. Examiner further suggests that the 'resources' as described in *Win* are analogous to functional modules, as claimed. However, the roles in *Win* are not metadata requirements that specify conditions required for successful execution of the functional modules. Rather, roles simply define a relationship of a user to the organization and determine what resources the user can access. *Win* describes roles as follows:

> "The system 2 enables administrators to implement access rules by defining Roles that Users play when working for an organization or doing business with an enterprise. A Role may reflect a relationship of a User to the organization (employee, customer, distributor, supplier), their department within an organization (sales, marketing, engineering) or any other affiliation or function (member of quality task force, hotline staff member) that defines their information needs and thus their access rights or privileges. Thus, examples of Roles include Employee, Customer, Distributor, Supplier, Sales, Marketing, Engineering, and Hotline Staff.

> Roles are defined by information identifying a name of a role and by a functional group in which the role resides. A functional group is often a department in which similar functions exist. Examples of functional groups are Marketing, Sales, Engineering, Human Resources, and Operations.

> In some embodiments, the term User Type or Person Type refers to employees, directors, officers, contractors, customers, distributors, etc., and Role refers to a job function such as sales representative, financial analyst, etc.

Roles determine what resources a User can access. Further, each role may require a unique set of information that is available in resources. For example, a User who is an Employee in the Marketing department could access Price List and New Products Resources. Thus, system 2 enables the creation of resource profiles by assigning roles to resources, and user profiles by assigning roles to users to generate access rights. System 2 automatically links a user profile to the resources profiles that have been assigned the same roles, so that deployment of new resources may occur rapidly." See *Win*, Column 5: Lines 12-54.

Therefore, the purpose of roles in *Win* is to determine access rights of a user to resources of a system. However, the roles do not specify any conditions for the successful execution of the resources. Yet, Examiner states that:

"*Win* describe[s] the successful execution of resources (i.e. functional modules) as "a personalized menu is an HTML page containing a list of authorized Resources. In one embodiment, a Personalized Menu is an HTML page containing a list of authorized Resources. The Personalized Menu displays only Resources to which the User has access. The User can then select and access a Resource" (Column 6, lines 13-17), "If the name and password are correct, the Authentication Client Module reads the user's roles from the Registry server" (Column 6, lines 44-46), and "By these actions, the user specifies that persons having the role of "Sales Manager" are authorized to view or use the "National Sales Report" resource; Any user who is assigned the role of "Sales Manager" in the future will automatically have access to the "National Sales Report" resource. If the administrator later un-assigns "Sales Manager" from the "National Sales Report" resource, then all users associated with the "Sales Manager" role will automatically lose access to the resource" (Column 18, lines 28-36)." See page 16 of Examiner's Answer.

However, Examiner's citations only reaffirm that roles simply determine which particular system resources are accessible by a user. Examiner's citations do not provide any indication that the roles specify conditions for the successful execution of resources. For example, even if the administrator unassigns "Sales Manager" from the "National Sales Report" (assuming "National Sales Report" can be construed as a functional module), the "National Sales Report" module may still be executed successfully by a user having a role other than "Sales Manager". Accordingly, the "Sales Manager" role does not specify conditions for the successful execution of the "National Sales Report." Rather, it simply determines whether a user has access to the "National Sales Report."

Examiner states that Paragraph 44 of the Application suggests that a plug-in will only be called by authorized users based on metadata (i.e. security requirements). Applicants agree that the some plug-ins may only be available to authorized users determined by session information 172 available in the **runtime metadata 170**. However, as stated in Paragraph 44, "in order for a plug-in to be successfully called, or executed, its requirements described by **associated metadata 160** needs to be met by parameters available to the calling application." Further, as stated in Paragraph 42, "associated metadata may include plug-in information such as functional concept or context of the plug-in...." Therefore, associated metadata 160 comprises conditions required for successful execution of the functional module. Examiner provides no analog to metadata 160 in *Win*. In fact, Applicants submit that such analog does not exist in *Win* because *Win* only discloses determining access rights of users to system resources based on user roles.

Therefore, Applicants submit that *Win* does not disclose assigning metadata requirements to functional modules, wherein the assigned metadata requirements specify conditions required for successful execution of the functional module.

For the same reasons stated above, regarding claim 27 and the dependents therefrom, *Win* does not disclose a plurality of functional modules, each having associated metadata requirements that specify conditions required for successful execution of the functional modules.

There is no Reason or Suggestion to Combine Win and Pazandak.

Examiner combines *Win* with *Pazandak* in the rejection because *Win* does not disclose collecting runtime metadata relating to the query session, wherein the metadata is collected after the composition of a query. *Win* is related to a system for limiting user access to authorized resources based on the user's role in an organization that controls the resources. See *Win*, Abstract. However, *Pazandak* is related to a natural language interface that allow a user to input commands or inputs in natural language, to which devices and applications respond. See *Pazandak*, Column 1: Lines 6-13.

Examiner provides no reason or suggestion to combine *Win* and *Pazandak* in the rejection. As argued in the appeal brief, on one hand, Examiner analogizes "runtime metadata" to "End-User selection from the menu choices" in *Pazandak*, and on the other, analogizes "runtime metadata" to "user roles" in *Win*. This variance in the definition applied to "runtime metadata" between the two references shows that the references are incompatible and that there is no reason or suggestion to combine the references. Further, as argued in the Appeal Brief, were the two references combined, the "collected runtime metadata" could not be both "user roles" and "End-User selection from the menu choices."

Moreover, if the "collected runtime metadata" comprised "user roles," then the combination of the references would fail to teach *collecting runtime metadata relating to a query session, wherein the metadata is collected after the composition of a query*. If the "collected runtime metadata" included "End-User selection from the menu choices," then the combinations of the references would fail to teach *identifying a limited subset of the functional modules in the list that will successfully execute, by comparing the collected runtime metadata with the assigned metadata requirements*. Accordingly, even if it were possible to successfully combine the two references, the proposed combination would fail to teach or suggest all of the claim limitations.

For the reasons stated herein and in the Appeal Brief, Applicants submit that claims 10, 20, 27, and the dependents therefrom are allowable and allowance of the claims is respectfully requested.

CONCLUSION

The Examiner errs in finding that claims 10-12, 14-21 and 27-29 are unpatentable over *Win* in view of *Pazandak* under 35 U.S.C. § 103(a).

Withdrawal of the rejections and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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